IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.173 OF 2006

IN

SUMMARY SUIT NO.775 OF 2006

...

M/s.Keval Kaushal Impex Pvt.Ltd.....Plaintiff

v/s.

M/s.G-10 Family Fashion

and others ....Defendants

...

Mr.Sachin S. Satpute i/b S. Ashwinkumar & Co. for the Plaintiff.

Mr.Dhiren Shah i/b Vimla & Co. for the Defendants.

...

**CORAM: D.K.DESHMUKH, J.**

**DATED:** 7TH AUGUST, 2006

**P.C.:**

The learned Counsel appearing for the Plaintiff states that this summons for judgment is directed only against the Defendants Nos. 1, 2 & 4, because the Defendant Nos. 1, 2 & 4 have stated that the Defendant No.3 is not a partner of Defendant No.1. The learned Counsel further states that he will take steps to delete the name of the Defendant No.3 from the array of the Defendant in the plaint.

1. The learned Counsel appearing for the Defendant Nos.1, 2 & 4 stated that the Defendants Nos. 1, 2 & 4 are willing to deposit the amount of principal in court. In view of this statement, by consent of parties, summons for judgment disposed of in following terms:-

(i) Defendant Nos.1, 2 & 4 shall deposit an amount of Rs.1,95,982/- within a period of eight weeks from today in this court, with due intimation to the Plaintiff.

(ii) If the amount is so deposited, this summons for

judgment shall stand disposed of and leave to defend shall stand granted to the Defendant Nos.1 , 2 & 4. In that event written statement to be filed within eight weeks from the date of deposit.

(iii) In case the amount is not so deposited, summons for judgment shall stand granted and the suit of the Plaintiff shall stand decreed against the Defendant Nos. 1, 2 & 4 in terms of prayer clauses of the suit.

(iv) In case the amount is deposited by the Defendant Nos. 1, 2 & 4, the Prothonotary & Sr.Master shall permit the Plaintiff to withdraw
the amount on furnishing the bank guarantee to the satisfaction of the Prothonotary & Sr.Master and filing an undertaking to redeposit the amount, if so directed by this Court and on such terms and conditions as may be directed by this Court, and further undertaking that in the event of redeposit the rate of interest shall not be less than 12% p.a.

(v) Withdrawal be permitted within a period of eight weeks from the date of deposit. If the Plaintiff does not withdraw the amount within the aforesaid period, then the amount be invested in fixed deposit

in any nationalised bank during the pendency of the suit.

(vi) Summons for judgment disposed of.